

AMENDED IN SENATE APRIL 8, 2013

AMENDED IN SENATE MARCH 11, 2013

SENATE BILL

No. 188

Introduced by Senator Liu

February 6, 2013

An act to amend Sections 4019.2, 4101, 4102, 4103, 4104, 4105, 4108, 4109, 4110, 4111, 4112, 4121, 4129, 4130, 4131, 4131.5, 4133, 4134, 4135, 4136, and 4137 of the Penal Code, and to amend Sections 4951, 4952, ~~4953~~, 4956, and 4957 of, and to add Section 4959 to, the Public Resources Code, relating to conservation camps.

LEGISLATIVE COUNSEL'S DIGEST

SB 188, as amended, Liu. Conservation camps: county-operated camps.

Existing law establishes the California Conservation Camp program to provide for the training and use of the inmates and wards assigned to conservation camps in the furtherance of public conservation. Existing law requires the Department of Forestry and Fire Protection to use inmates and wards assigned to conservation camps for fire prevention, fire control, and other work of the department, ~~and authorizes the department to enter into contracts or cooperative agreements with a public agency, local, state, or federal, or with a qualified nonprofit organization that has a demonstrated ability to plan, implement, and complete a conservation project, and that meets specified criteria as determined by the department, for the performance of other conservation projects that are appropriate for those public agencies or that nonprofit organization under policies that are required to be established by the Prison Industry Authority.~~

~~This bill would authorize the department and the Department of Corrections and Rehabilitation to enter into contracts and cooperative agreements for the performance of these conservation projects, as prescribed. The bill would also authorize a county sheriff or the director of the county department of corrections to utilize inmates assigned to county conservation camps in performing fire prevention, fire suppression and control, and other work as may be assigned by the sheriff or the director of the county department of corrections.~~

Existing law authorizes the establishment in each county of an industrial farm or industrial road camp in which prisoners are held in custody and required to work on the farm or camp, and prescribes procedures for the adoption of a resolution by a county board of supervisors before establishing such an industrial farm or road camp. Existing law authorizes the legislative body of any incorporated city to avail itself of the use of the industrial farm or road camp upon adoption of a resolution and subject to reimbursing the county for the care of the city's prisoners.

This bill would additionally authorize the establishment in each county of a conservation camp, as defined. The bill would permit an industrial farm, industrial road camp, or conservation camp to be operated by the sheriff or the director of the county department of corrections who would be required to establish administrative rules consistent with the rules of the jail, or to be operated as an entity separate from the county jail administered by a superintendent subject to administrative rules adopted by the board of supervisors. The bill would make existing statutory provisions that govern the administration and operation of an industrial farm or industrial road camp also applicable to a conservation camp. The bill would also authorize a county to establish conservation camps for women prisoners in accordance with prescribed requirements.

Existing law specifies that any inmate sentenced to county jail who is assigned to a conservation camp by a sheriff and who is eligible to earn one day of credit for every one day of incarceration shall instead earn 2 days of credit for every one day of service.

This bill would make these provisions governing incarceration credits applicable instead to any inmate sentenced to a county jail who is assigned to a state- or county-operated conservation camp by a sheriff or the director of the county department of corrections.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4019.2 of the Penal Code is amended to
2 read:

3 4019.2. (a) Notwithstanding any other law, an inmate
4 sentenced to county jail who is assigned to a state- or
5 county-operated conservation camp by a sheriff or the director of
6 the county department of corrections and who is eligible to earn
7 one day of credit for every one day of incarceration pursuant to
8 Section 4019 shall instead earn two days of credit for every one
9 day of service.

10 (b) Notwithstanding any other law, an inmate who has completed
11 training for assignment to a conservation camp or to a state or
12 county facility as an inmate firefighter or who is assigned to a
13 county or state correctional institution as an inmate firefighter and
14 who is eligible to earn one day of credit for every one day of
15 incarceration pursuant to Section 4019 shall instead earn two days
16 of credit for every one day served in that assignment or after
17 completing that training.

18 (c) In addition to credits granted pursuant to subdivision (a) or
19 (b), inmates who have successfully completed training for
20 firefighter assignments shall receive a credit reduction from his or
21 her term of confinement.

22 (d) The credits authorized in subdivisions (b) and (c) shall only
23 apply to inmates who are eligible after October 1, 2011.

24 SEC. 2. Section 4101 of the Penal Code is amended to read:

25 4101. In each county an industrial farm, industrial road camp,
26 or conservation camp may be established under this article.

27 SEC. 3. Section 4102 of the Penal Code is amended to read:

28 4102. Before establishing an industrial farm, industrial road
29 camp, or conservation camp in a county, the board of supervisors
30 of the county shall adopt a resolution of its intention so to do. The
31 resolution shall state an amount per person per day for which
32 persons from incorporated cities will be maintained on an industrial
33 farm, industrial road camp, or conservation camp. Certified copies
34 of the resolution shall be forwarded by the clerk of the board of
35 supervisors to the clerks of all incorporated cities within the county.

36 SEC. 4. Section 4103 of the Penal Code is amended to read:

37 4103. (a) Upon receipt of the resolution as provided in Section
38 4102, the legislative body of any incorporated city wishing to avail

1 itself of the use of a proposed industrial farm, industrial road camp,
2 or conservation camp shall adopt a resolution setting forth the
3 following matters:

4 (1) The number of persons sentenced to imprisonment in the
5 jail of that city during the fiscal year last preceding the adoption
6 of the resolution of intention by the board of supervisors.

7 (2) The total number of days for which all persons were
8 imprisoned in the jail of the city during that fiscal year.

9 (3) A declaration of the desire of the city adopting the resolution
10 to have the prisoners of the city cared for by the county at the
11 industrial farm, industrial road camp, or conservation camp and
12 of the agreement of the city to pay the county quarterly for the
13 care of the prisoners of the city at the rate set forth in the resolution
14 of intention.

15 (b) A certified copy of the resolution provided for in this section
16 shall be forwarded to the clerk of the board of supervisors.

17 SEC. 5. Section 4104 of the Penal Code is amended to read:

18 4104. A board of supervisors that has adopted a resolution of
19 intention to establish an industrial farm, industrial road camp, or
20 conservation camp shall ascertain and enter in its minutes the
21 following facts:

22 (a) The number of persons sentenced to imprisonment in the
23 county jail during the fiscal year last preceding the adoption of the
24 resolution of intention.

25 (b) The total number of days for which all persons were
26 imprisoned in the county jail during that fiscal year.

27 (c) The number of persons sentenced from the superior court
28 of the county to any state prison upon conviction of a violation of
29 Section 270 or Section 270a during that fiscal year.

30 (d) The total number of days for which all persons sentenced
31 to state prison as described in subdivision (c) were imprisoned in
32 state prison during that fiscal year.

33 SEC. 6. Section 4105 of the Penal Code is amended to read:

34 4105. Upon ascertaining the facts provided for in Sections
35 4102 to 4104, inclusive, the board of supervisors may proceed to
36 establish an industrial farm, industrial road camp, or conservation
37 camp. The farm or camp may be established as part of the county
38 jail, and, if established, shall be operated by the sheriff or director
39 of the county department of corrections, or as an entity separate
40 from the county jail.

1 SEC. 7. Section 4108 of the Penal Code is amended to read:

2 4108. In a county in which an industrial farm, industrial road
3 camp, or conservation camp is established as an entity separate
4 from the county jail, the board of supervisors shall employ a
5 superintendent of that farm or camp and any other subordinate
6 persons as may be necessary for the proper administration of the
7 farm or camp and the keeping of the prisoners assigned to the farm
8 or camp. As part of the compensation to be agreed upon for that
9 superintendent and other persons, board and lodging may be
10 furnished.

11 SEC. 8. Section 4109 of the Penal Code is amended to read:

12 4109. In a county in which the industrial farm, industrial road
13 camp, or conservation camp is made a part of the county jail, the
14 sheriff or director of the county department of corrections shall
15 establish rules governing the administration of the farm or camp
16 consistent with the rules of the jail. In a county in which the farm
17 or camp is established as an entity separate from the county jail,
18 the board shall adopt rules governing the administration of a farm
19 or camp formed under the provisions of this article and discipline
20 at that farm or camp in furtherance of the purposes of this article,
21 which rules shall be enforced by the superintendent and those
22 subordinate to him or her.

23 SEC. 9. Section 4110 of the Penal Code is amended to read:

24 4110. If women are to be assigned to an industrial farm or
25 conservation camp, the board of supervisors establishing it shall
26 provide at the farm or camp for separate quarters for women
27 prisoners, or may establish a separate farm or camp for women
28 prisoners. This section does not impose any requirement upon a
29 county to confine male and female prisoners in the same or an
30 adjoining facility or impose any duty upon a county to establish
31 or maintain programs that involve the joint participation of male
32 and female prisoners.

33 SEC. 10. Section 4111 of the Penal Code is amended to read:

34 4111. If a separate industrial farm or conservation camp for
35 women prisoners is established pursuant to Section 4105, it shall
36 be considered a part of the industrial farm or conservation camp
37 of the county within the meaning of all provisions of this article,
38 except that only women prisoners shall be admitted to it. A woman
39 deputy sheriff, assistant to the director of the county department
40 of corrections, or superintendent of a farm or camp shall be in

1 immediate charge of any farm or camp established for women
2 prisoners only.

3 SEC. 11. Section 4112 of the Penal Code is amended to read:

4 4112. When land has been acquired and those buildings and
5 structures erected and improvements made as may be immediately
6 necessary for the carrying out of the purposes of this article or
7 arrangements have been made for an industrial farm, industrial
8 road camp, or conservation camp, the board of supervisors shall
9 adopt a resolution proclaiming that an industrial farm, industrial
10 road camp, or conservation camp has been established in the county
11 and designating a day on and after which persons will be admitted
12 to that farm or camp. Certified copies of the resolution shall be
13 forwarded by the clerk of the board of supervisors to each superior
14 court judge in the county.

15 SEC. 12. Section 4121 of the Penal Code is amended to read:

16 4121. The cost of establishing and maintaining an industrial
17 farm, industrial road camp, or conservation camp formed under
18 this article shall be paid out of the county general fund. Any
19 revenue derived from the farm or camp, including that received
20 from any city for the care of its prisoners at the farm or camp, shall
21 be paid into the county general fund.

22 SEC. 13. Section 4129 of the Penal Code is amended to read:

23 4129. (a) For the purpose of making the payments designated
24 in this article, the board of supervisors shall, by order, provide the
25 sheriff, director of the county department of corrections, or
26 superintendent with a revolving fund. Upon order of the board of
27 supervisors, the county auditor shall draw a warrant in favor of
28 the sheriff, director of the county department of corrections, or
29 superintendent of an industrial farm, industrial road camp, or
30 conservation camp and the county treasurer shall cash it. Thereafter
31 the superintendent shall receive from the county general fund upon
32 demands supported by receipts all sums paid out by him or her
33 under this section and shall return all sums so received to the
34 revolving fund.

35 (b) Section 29323 of the Government Code is applicable to a
36 revolving fund established pursuant to this section.

37 SEC. 14. Section 4130 of the Penal Code is amended to read:

38 4130. So far as practicable, those in custody on an industrial
39 farm shall be employed in productive labor. The products of an

1 industrial farm shall be used for the following purposes, in order
2 of priority:

3 (a) To maintain the prisoners and employees on that farm.

4 (b) To supply other county institutions in need with the farm's
5 products.

6 (c) To supply other districts and municipal corporations in need
7 within the county with the farm's products.

8 (d) To supply the needs of paupers, incompetents, poor and
9 indigent persons, and those incapacitated by age, disease, or
10 accident with whose relief and support the county is charged.

11 SEC. 15. Section 4131 of the Penal Code is amended to read:

12 4131. Subject to regulations adopted by the board of
13 supervisors, the superintendent, sheriff, or director of the county
14 department of corrections shall maintain discipline at an industrial
15 farm, industrial road camp, or conservation camp. Whenever the
16 superintendent, sheriff, or director of the county department of
17 corrections reports to the county classification committee that
18 assigned a prisoner to an industrial farm, industrial road camp, or
19 conservation camp that the prisoner refuses to abide by the rules
20 of, or work at, the farm or camp, the committee may make an order
21 transferring the prisoner to the county jail or city jail for the
22 unexpired term of his or her sentence, and all sums credited to the
23 prisoner shall be forfeited by him or her unless they have been
24 ordered paid to some person dependent upon him or her. Thereafter
25 the committee may reassign the person to the industrial farm,
26 industrial road camp, or conservation camp, upon recommendation
27 of the superintendent, sheriff, or director of the county department
28 of corrections of the farm or camp.

29 SEC. 16. Section 4131.5 of the Penal Code is amended to read:

30 4131.5. Every person confined in, sentenced to, or serving a
31 sentence in a city or county jail, industrial farm, industrial road
32 camp, or conservation camp in this state, who commits a battery
33 upon the person of any individual who is not himself or herself a
34 person confined or sentenced therein, is guilty of a public offense
35 and is punishable by imprisonment pursuant to subdivision (h) of
36 Section 1170, or in a county jail for not more than one year.

37 SEC. 17. Section 4133 of the Penal Code is amended to read:

38 4133. The boundary of every industrial farm, industrial road
39 camp, or conservation camp established under this article shall be
40 marked by a fence, a hedge, or some other visible line. Every

1 person confined at a farm or camp who escapes or attempts to
2 escape from that farm or camp shall upon conviction be imprisoned
3 in the state prison or a county jail, or assigned to an industrial farm,
4 industrial road camp, or conservation camp not to exceed one year.
5 This imprisonment or assignment shall begin at the expiration of
6 the imprisonment or assignment in effect at the time of the escape.

7 SEC. 18. Section 4134 of the Penal Code is amended to read:

8 4134. A board of supervisors that has established or desires to
9 establish an industrial farm, industrial road camp, or conservation
10 camp may at any time appoint an advisory board to consist of not
11 less than three nor more than five persons, one member of which
12 shall be a penologist and one member a physician.

13 SEC. 19. Section 4135 of the Penal Code is amended to read:

14 4135. The advisory board shall acquaint itself with the conduct
15 of the jails in the county, keep itself informed about the
16 administration of the industrial farm, industrial road camp, or
17 conservation camp and report its recommendations and suggestions
18 to the board of supervisors. It may visit any jail within the county,
19 examine the records thereof, and ascertain whether or not there
20 are any persons illegally committed to or detained at any jail.

21 The advisory board shall encourage recreational and educational
22 activities on the farm or camp.

23 SEC. 20. Section 4136 of the Penal Code is amended to read:

24 4136. Sections 4011, 4011.5, 4011.6, and 4011.7 are applicable
25 to county industrial farms, county industrial road camps, joint
26 county road camps, and conservation camps established pursuant
27 to this chapter.

28 SEC. 21. Section 4137 of the Penal Code is amended to read:

29 4137. The board of supervisors of any county in which a county
30 industrial farm, industrial road camp, conservation camp, or honor
31 camp has been established may, by ordinance, authorize the sheriff
32 or any such person responsible to the board for the care, treatment,
33 and custody of prisoners assigned to him or her as sentenced
34 misdemeanants or felons, serving time as a condition of probation,
35 to remove those prisoners from the facility to which they have
36 been assigned under custody, without court order, for purposes
37 such as: private medical, vision, or dental care, psychological care,
38 vocational services, educational services, and funerals.

39 SEC. 22. Section 4951 of the Public Resources Code is
40 amended to read:

1 4951. (a) In enacting this chapter, it is the purpose of the
2 Legislature to declare the existence of California Conservation
3 Camp programs, which include state and county conservation camp
4 programs, to provide for the training and use of the inmates and
5 wards assigned to conservation camps in the furtherance of public
6 conservation.

7 (b) It is the policy of this state to require the inmates and wards
8 assigned to conservation camps to perform public conservation
9 projects, including, but not limited to, forest and brush fire
10 prevention and control, forest, brush, and watershed management,
11 recreation, fish and game management, soil conservation, and
12 forest and watershed revegetation.

13 (c) In order to effect the maximum possible conservation and
14 development of natural resources for the benefit of the people of
15 this state, whenever reasonably possible, conservation projects of
16 a multiple purpose nature shall be undertaken by the California
17 Conservation Camp programs. The various agencies concerned
18 with conservation projects shall consult and advise with each other
19 to promote these multiple-purpose conservation projects and in
20 order to achieve this goal may enter into those contracts as may
21 be necessary.

22 (d) This chapter does not require a county to create or participate
23 in a county conservation camp program.

24 SEC. 23. Section 4952 of the Public Resources Code is
25 amended to read:

26 4952. As used in this chapter, "California Conservation Camps"
27 or "camps" means any camps now or hereafter established, as
28 provided by law, for the purpose of receiving prisoners committed
29 to the custody of the Secretary of the Department of Corrections
30 and Rehabilitation, the sheriff, or the director of the county
31 department of corrections and in which the work projects performed
32 by the inmates or wards are supervised by employees of either the
33 ~~Department of Corrections and Rehabilitation~~ *department*, the
34 board of supervisors, the sheriff, or the director of the county
35 corrections department in a county participating in the operation
36 of or operating a conservation camp program.

37 ~~SEC. 24. Section 4953 of the Public Resources Code is~~
38 ~~amended to read:~~

39 ~~4953. (a) The department shall utilize inmates and wards~~
40 ~~assigned to conservation camps in performing fire prevention, fire~~

1 control, and other work of the department. At times it deems proper
2 and on terms it deems wise, the department and the Department
3 of Corrections and Rehabilitation may enter into contracts or
4 cooperative agreements with a public agency, local, state, or
5 federal, or with a qualified nonprofit organization that has a
6 demonstrated ability to plan, implement, and complete a
7 conservation project and meets other criteria, as determined by the
8 department, for the performance of other conservation projects
9 that are appropriate for those public agencies or that nonprofit
10 organization under policies that shall be established by the Prison
11 Industry Authority. The charge for the service shall be determined
12 by the Secretary of the Department of Corrections and
13 Rehabilitation. All these contracts are subject to the approval of
14 the director and the Director of General Services.

15 (b) For the purposes of this section, “nonprofit organization”
16 means any California corporation exempt from taxation under
17 Section 501(c)(3), 501(c)(4), or 501(c)(5) of the federal Internal
18 Revenue Code.

19 ~~SEC. 25.~~

20 *SEC. 24.* Section 4956 of the Public Resources Code is
21 amended to read:

22 4956. (a) The conditions of work to be performed under
23 contracts or agreements entered into pursuant to Section 4953 shall
24 be consistent with the requirements, as determined by the Secretary
25 of the Department of Corrections and Rehabilitation, for
26 maintaining control of inmates or wards committed to his or her
27 respective custody.

28 (b) A county sheriff or the director of the county department of
29 corrections may utilize inmates assigned to county conservation
30 camps in performing fire prevention, fire suppression and control,
31 and other work as may be assigned by the sheriff or the director
32 of the county department of corrections.

33 ~~SEC. 26.~~

34 *SEC. 25.* Section 4957 of the Public Resources Code is
35 amended to read:

36 4957. (a) Conservation camp inmates and wards may be
37 utilized in the rescue of lost or injured persons, the saving of life,
38 and the protection of property. The Department of Corrections and
39 Rehabilitation department, a county sheriff, or the director of the

1 county department of corrections may cooperate with local agencies
2 of government to accomplish these purposes.

3 (b) ~~The Department of Corrections and Rehabilitation~~
4 ~~department~~, a county sheriff, or the director of the county
5 department of corrections may also, upon the request of the
6 appropriate local agency, utilize conservation camp inmates and
7 wards in the performance of watershed revegetation and related
8 work necessary to prevent flood damage to land resulting from the
9 destruction of vegetation by fire.

10 ~~SEC. 27.~~

11 *SEC. 26.* Section 4959 is added to the Public Resources Code,
12 to read:

13 4959. Conservation camp inmates or wards assigned to a
14 California Conservation Camp that is operated by the state or that
15 is a county-operated conservation camp under the direction of the
16 county sheriff or the director of the county department of
17 corrections shall be required to comply with the requirements of
18 Section 4019.2 of the Penal Code.